

**U.S. District Court
Northern District of Texas (Dallas)
CRIMINAL DOCKET FOR CASE #: 3:20-mj-00616-BT-1**

Case title: USA v. Sarpy

Date Filed: 06/18/2020

Other court case number: 4:18-CR-718-001 U.S. Dist. Court
for S. Dist. of Texas, Houston

Date Terminated: 06/19/2020

Assigned to: Magistrate Judge
Rebecca Rutherford

Defendant (1)

John Wesley Sarpy
TERMINATED: 06/19/2020

represented by **Federal Public Defender**
Federal Public Defender – Dallas
525 Griffin St
Suite 629
Dallas, TX 75202
214-767-2746
Fax: 214-767-2886
Email: jason_hawkins@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Federal Public Defender Appointment
Bar Status: Admitted/In Good Standing

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

Disposition

Out of district arrest out of the
Southern District of Texas,
Houston Division. Charging the
defendant with violation of terms
of pretrial release.

Plaintiff

USA

represented by **John J Boyle–DOJ**

US Attorney's Office

1100 Commerce St

Third Floor

Dallas, TX 75242–1699

214–659–8600

Email: john.boyle2@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: US Attorney's Office

Bar Status: Admitted/In Good Standing

Date Filed	#	Page	Docket Text
06/19/2020	<u>1</u>	4	MOTION for Detention filed by USA as to John Wesley Sarpy Attorney John J Boyle–DOJ added to party USA(pty:pla) (Boyle–DOJ, John) (Entered: 06/19/2020)
06/19/2020		6	Arrest (Rule 5) of John Wesley Sarpy. Case Number 4:18–cr–718–001 from U.S. District Court for Southern District of Texas, Houston Division. (mcrd) (Entered: 06/19/2020)
06/19/2020	<u>2</u>	7	Minute Entry for proceedings held before Magistrate Judge Rebecca Rutherford: Initial Appearance as to John Wesley Sarpy held on 6/19/2020. Date of Arrest: 6/19/2020 Location interval set to: LC. Attorney Appearances: AUSA – John Boyle; Defense – Marti Morgan. (No exhibits) Time in Court – :03. (Court Reporter: Todd Anderson) (Attachments: # <u>1</u> Additional Page(s) Petition) (mcrd) (Entered: 06/19/2020)
06/19/2020	<u>3</u>		(Document Restricted) CJA 23 Financial Affidavit by John Wesley Sarpy. (mcrd) (Entered: 06/19/2020)
06/19/2020	<u>4</u>	10	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to John Wesley Sarpy. Federal Public Defender for John Wesley Sarpy appointed. (Ordered by Magistrate Judge Rebecca Rutherford on 6/19/2020) (mcrd) (Entered: 06/19/2020)
06/19/2020	5	11	ELECTRONIC Minute Entry for Waiver of Rule 5 & 5.1 Hearings (identity, preliminary and detention) by John Wesley Sarpy: The defendant has been charged by indictment with a felony offense in another district. At a proceeding held on 6/19/2020 before Magistrate Judge Rebecca Rutherford, at which the defendant appeared in person and represented by counsel, the Magistrate Judge informed the defendant of the charges and his rights to an identity hearing to determine whether the defendant is the person named in the indictment and production of the warrant. The defendant stated he had discussed these rights with counsel, that the defendant understood these rights, and that the defendant wanted to waive his rights to an identity hearing and production of the warrant. The Magistrate Judge found the defendant's waiver was knowing and voluntary, and based on that waiver, the Magistrate Judge found the defendant is the person charged in the indictment. The defendant also consented to the issuance of an

			order requiring his appearance in the prosecuting district. (mcrd) (Entered: 06/19/2020)
06/19/2020	<u>6</u>	13	Report of Proceedings under Rule 5(c)(3) and 5.1 as to John Wesley Sarpy. Defendant is removed forthwith to the district in which he is charged. Paperwork sent to U.S. District Court for Southern District of Texas, Houston Division. (Ordered by Magistrate Judge Rebecca Rutherford on 6/19/2020) (mcrd) (Entered: 06/19/2020)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

JOHN WESLEY SARPY

NO. 3:20-MJ-616-BT

MOTION FOR DETENTION

The United States moves for detention pending sentencing of defendant pursuant to 18 U.S.C. § 3143(a).

1. Reason for Detention. The Court should detain defendant because there are no conditions of release which will reasonably assure (check one or both):

 X Defendant's appearance as required

 X Safety of any other person and the community

2. Time For Detention Hearing. The United States requests the Court conduct the detention hearing:

 X At first appearance

 After continuance of 3 days (not more than 3).

DATED this 19th day of June, 2020.

Respectfully submitted,

ERIN NEALY COX
UNITED STATES ATTORNEY

s/ John J. Boyle
JOHN J. BOYLE
Assistant United States Attorney
Texas State Bar No. 00790002
1100 Commerce Street, Third Floor
Dallas, Texas 75242-1699
Tel: 214.659.8600
Fax: 214.767.0978
E-Mail: John.Boyle2@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on **June 19, 2020**, I electronically filed the foregoing document with the Clerk of Court for the United States District Court, Northern District of Texas, using the electronic case filing system of the Court. I do not know the attorney who will represent the defendant; however, I hereby certify that I will hand-deliver a copy of the foregoing document to the attorney or the defendant at the first available opportunity to do so.

s/ John J. Boyle
JOHN J. BOYLE
Assistant United States Attorney

MIME-Version:1.0
From:ecf_txnd@txnd.uscourts.gov
To:Courtmail@localhost.localdomain
Bcc:
--Case Participants: John J Boyle-DOJ (caseview.ecf@usdoj.gov, emma.reppeto@usdoj.gov, ereppeto@usa.doj.gov, jboyle6304@gmail.com, john.boyle2@usdoj.gov, matthew.smith7@usdoj.gov), Magistrate Judge Rebecca Rutherford (bridget_o'hickey@txnd.uscourts.gov, jordan_curry@txnd.uscourts.gov, judge_rutherford_ecfdocs@txnd.uscourts.gov, lavenia_price@txnd.uscourts.gov, lori_douglas@txnd.uscourts.gov)
--Non Case Participants: Probation Office (txnp_edocs-pro@txnp.uscourts.gov), U.S. Marshals Office (usms-txn-courtndocket@usdoj.gov)
--No Notice Sent:

Message-Id:12397730@txnd.uscourts.gov
Subject:Activity in Case 3:20-mj-00616-BT USA v. Sarpy Arrest - Rule 5/32.1/40
Content-Type: text/html

If you need to know whether you must send the presiding judge a paper copy of a document that you have docketed in this case, click here: Judges' Copy Requirements. Click here to see Judge Specific Requirements. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms and Instructions found at www.txnd.uscourts.gov. If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge.

U.S. District Court

Northern District of Texas

Notice of Electronic Filing

The following transaction was entered on 6/19/2020 at 3:00 PM CDT and filed on 6/19/2020

Case Name: USA v. Sarpy
Case Number: 3:20-mj-00616-BT
Filer:
Document Number: No document attached

Docket Text:
Arrest (Rule 5) of John Wesley Sarpy. Case Number 4:18-cr-718-001 from U.S. District Court for Southern District of Texas, Houston Division. (mcrd)

3:20-mj-00616-BT-1 Notice has been electronically mailed to:

John J Boyle-DOJ john.boyle2@usdoj.gov, CaseView.ECF@usdoj.gov, EReppeto@usa.doj.gov, Emma.Reppeto@usdoj.gov, Matthew.Smith7@usdoj.gov, jboyle6304@gmail.com

3:20-mj-00616-BT-1 The CM/ECF system has NOT delivered notice electronically to the names listed below. The clerk's office will only serve notice of court Orders and Judgments by mail as required by the federal rules.

JUDGE: REBECCA RUTHERFORD	
DEPUTY CLERK: L. Price	COURT REPORTER/TAPE NO: Todd Anderson
LAW CLERK:	USPO/PTSO:
INTERPRETER:	COURT TIME: 1:29-1:32
A.M.	P.M.
DATE: June 18, 2020	

☐ MAG. NO. ☐ DIST. CR. NO. 3:20-mj-00616-BT

USDJ Magistrate Judge Rebecca Rutherford

UNITED STATES OF AMERICA

§
§
§
§
§
§

John Boyle, AUSA

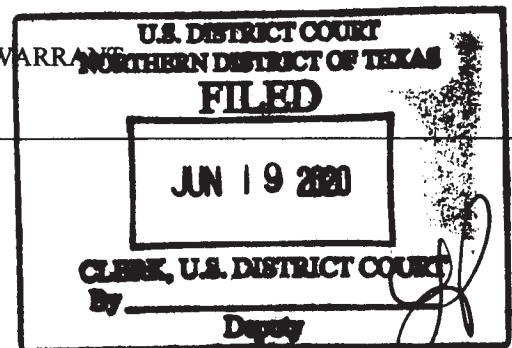
v.

Marti Morgan ☐

JOHN WESLEY SARPY (1)

COUNSEL FOR DEFENDANTS APPT - (A), Retd - (R), FPD - (F)

- ☒ INITIAL APPEARANCE ☐ IDENTITY ☐ BOND HEARING ☐ PRELIMINARY HEARING
☐ DETENTION HEARING ☐ COUNSEL DETERMINATION HEARING ☐ REMOVAL HEARING ☐ EXTRADITION HEARING
☐ HEARING CONTINUED ON _____ CASE NO. _____ ☐ OTHER DISTRICT ☐ DIVISION
☒ DATE OF FEDERAL ARREST/CUSTODY: 06/18/2020 ☐ SURRENDER _____
☐ RULE 5/32 ☐ APPEARED ON WRIT
☒ DEFT FIRST APPEARANCE. DEFT ADVISED OF RIGHTS/CHARGES ☐ PROBATION/SUPERVISED RELEASE VIOLATOR
☒ DEFT FIRST APPEARANCE WITH COUNSEL.
☐ DEFT ☐ MW (MATERIAL WITNESS) _____ APPEARED ☐ WITH ☐ WITHOUT COUNSEL
☒ REQUESTS APPOINTED COUNSEL.
☒ FINANCIAL AFFIDAVIT EXECUTED.
☒ ORDER APPOINTING FEDERAL PUBLIC DEFENDER.
☐ PRIVATE COUNSEL APPOINTED _____
☐ DEFT HAS RETAINED COUNSEL _____
☐ ARRAIGNMENT SET ☐ DETENTION HEARING SET _____
☐ PRELIMINARY HEARING SET _____ ☐ BOND HEARING SET _____
☐ COUNSEL DETERMINATION HEARING SET _____
☐ IDENTITY/REMOVAL HEARING SET _____
☐ BOND ☐ SET ☐ REDUCED TO \$ _____ ☐ CASH ☐ SURETY ☐ 10% ☐ PR ☐ UNS ☐ 3RD PTY ☐ MW
☐ NO BOND SET AT THIS TIME, ____ DAY DETENTION ORDER TO BE ENTERED.
☐ ORDER OF TEMPORARY DETENTION/COMMITMENT PENDING HEARING ENTERED.
☐ ORDER OF DETENTION PENDING TRIAL ENTERED.
☐ DEFT ADVISED OF CONDITIONS OF RELEASE.
☐ BOND EXECUTED ☐ DEFT ☐ MW RELEASED ☐ STATE AUTHORITIES ☐ INS
☐ DEFT ☐ MW REMANDED TO CUSTODY.
☐ DEFT ORDERED REMOVED TO ORIGINATING DISTRICT.
☒ WAIVER OF ☐ PRELIMINARY HEARING ☒ RULE 5/32 HEARING ☐ DETENTION HEARING
☐ COURT FINDS PROBABLE CAUSE ☐ ID ☐ PC.
☐ DEFT FAILED TO APPEAR. ORAL ORDER FOR ISSUANCE OF BENCH WARRANT.
☐ GOVERNMENT TO NOTIFY FOREIGN CONSULAR.
☒ REMARKS: waived all hearings.



PS-8
(Rev. 6/17)

United States District Court
Southern District of Texas

UNITED STATES DISTRICT COURT

Southern District Of Texas
Houston Division

ENTERED

May 12, 2020

David J. Bradley, Clerk

U.S.A. vs. John Wesley Sarpy

B: 30mj 616-BT
Docket No. 4:18CR00718-001

Petition for Action on Conditions of Pretrial Release

Rodney Claxton, U. S. Probation Officer, presents this report on the conduct of John Wesley Sarpy, who was placed on pretrial supervision by the Honorable Frances H. STACY at Houston, Texas, on December 27, 2018, under these conditions:

7.u. Report, as soon as possible, any contact with law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.

On or about April 24, 2020, Mr. Sarpy was questioned by a peace officer with the Youngsville Police Department, incident number 20-137083, in reference to Mr. Sarpy possibly providing fraudulent documents from a bank in an attempt to obtain real estate. Mr. Sarpy has not informed the probation officer of this contact.

On January 13, 2020, the defendant pleaded guilty before your Honor and is scheduled for sentencing on June 22, 2020.

Petition for Court Action:

Petitioning that the Court will order a warrant be issued for him to be brought before the Court to show why his bond should not be revoked.

I declare under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Rodney Claxton

Rodney Claxton
Senior United States Probation Officer

Reginald C. Hollins

Reginald C. HOLLINS
Supervising U.S. Probation Officer

RE: John Wesley Sarpy
Dkt. No.: 4:18CR00718-001
Page 2

Order of the Court:

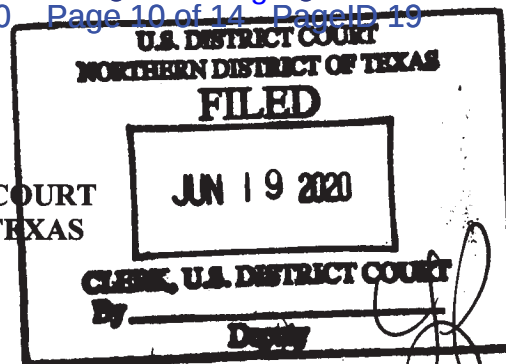
- ☐ No Action
- ☒ Issuance of a Warrant
- ☐ Issuance of a Summons
- ☐ Concur with recommendation
- ☐ Other: _____.

Ordered May 12, 2020.



Vanessa D. Gilmore
United States District Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



UNITED STATES OF AMERICA

v.

JOHN WESLEY SARPY (1)

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§

Case No. 3:20-mj-00616-BT

ORDER APPOINTING FEDERAL PUBLIC DEFENDER

The Court, having considered the Financial Affidavit of the Defendant, finds that the Defendant is financially unable to obtain counsel.

IT IS, THEREFORE, ORDERED pursuant to Title 18, United States Code, Section 3006A, that the Federal Public Defender for the Northern District of Texas is appointed as counsel of record for the above named Defendant. Such appointment shall be for all proceedings, including any appeal.

SIGNED June 19, 2020.


REBECCA RUTHERFORD
UNITED STATES MAGISTRATE JUDGE

MIME-Version:1.0

From:ecf_txnd@txnd.uscourts.gov

To:Courtmail@localhost.localdomain

Bcc:

--Case Participants: John J Boyle-DOJ (caseview.ecf@usdoj.gov, emma.reppeto@usdoj.gov, ereppeto@usa.doj.gov, jboyle6304@gmail.com, john.boyle2@usdoj.gov, matthew.smith7@usdoj.gov), Federal Public Defender (annette_hill@fd.org, astrid_gault@fd.org, cristal_a_ramos@fd.org, jason_hawkins@fd.org, joel_page@fd.org, mary_moore@fd.org, monaleeza_montalvo@fd.org), Magistrate Judge Rebecca Rutherford (bridget_o'hickey@txnd.uscourts.gov, jordan_curry@txnd.uscourts.gov, judge_rutherford_ecfdocs@txnd.uscourts.gov, lavenia_price@txnd.uscourts.gov, lori_douglas@txnd.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-Id:12397798@txnd.uscourts.gov

Subject:Activity in Case 3:20-mj-00616-BT USA v. Sarpy Waiver of Rule 5/32.1/40 Hearings

Content-Type: text/html

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U.S. District Court

Northern District of Texas

Notice of Electronic Filing

The following transaction was entered on 6/19/2020 at 3:09 PM CDT and filed on 6/19/2020

Case Name: USA v. Sarpy
Case Number: 3:20-mj-00616-BT
Filer: Dft No. 1 – John Wesley Sarpy
Document Number: 5(No document attached)

Docket Text:

ELECTRONIC Minute Entry for Waiver of Rule 5 & 5.1 Hearings (identity, preliminary and detention) by John Wesley Sarpy: The defendant has been charged by indictment with a felony offense in another district. At a proceeding held on 6/19/2020 before Magistrate Judge Rebecca Rutherford, at which the defendant appeared in person and represented by counsel, the Magistrate Judge informed the defendant of the charges and his rights to an identity hearing to determine whether the defendant is the person named in the indictment and production of the warrant. The defendant stated he had discussed these rights with counsel, that the defendant understood these rights, and that the defendant wanted to waive his rights to an identity hearing and production of the warrant. The Magistrate Judge found the defendant's waiver was knowing and voluntary, and based on that waiver, the Magistrate Judge found the defendant is the person charged in the indictment. The defendant also consented to the issuance of an order requiring his appearance in the prosecuting district. (mcrd)

3:20-mj-00616-BT-1 Notice has been electronically mailed to:

Federal Public Defender jason_hawkins@fd.org, annette_hill@fd.org, astrid_gault@fd.org,
cristal_a_ramos@fd.org, joel_page@fd.org, mary_moore@fd.org, monaleeza_montalvo@fd.org

John J Boyle-DOJ john.boyle2@usdoj.gov, CaseView.ECF@usdoj.gov, EReppeto@usa.doj.gov,
Emma.Reppeto@usdoj.gov, Matthew.Smith7@usdoj.gov, jboyle6304@gmail.com

3:20-mj-00616-BT-1 The CM/ECF system has NOT delivered notice electronically to the names listed below. The clerk's office will only serve notice of court Orders and Judgments by mail as required by the federal rules.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

JUN 19 2020

UNITED STATES OF AMERICA

v.

JOHN WESLEY SARPY (1)

§ Case No. 3:20-mj-00616-BT

§ Other Dist. Docket No. ~~CLERK, U.S. DISTRICT COURT~~

§ Charge Pending: By

§ Southern District of Texas

§ Houston Division

Deputy

**REPORT OF PROCEEDINGS UNDER RULES 5(c)(3) and 5.1
AND ORDER ENTERED THEREON**

The defendant is charged in the above-referenced district with the offense of Violation of Terms of Pretrial Release. Having been arrested in this district on a warrant issued on that/those charge(s), he/she appeared before me for proceedings as follows:

Rule 5(c)(3) Transfer

☒
☒

The government has produced a copy of the warrant, and

The Court finds that the person before the Court is the defendant named in the indictment, information or warrant because:

☒

The defendant waived identity hearing.

☐

An identity hearing was conducted, and the defendant's identity was established.

☐

The Court finds, based on the evidence presented during an identity hearing, that the person before the Court is **NOT** the defendant named in the indictment, information or warrant.

Rule 5.1: Preliminary Hearing

☒

No preliminary hearing is necessary ~~because the defendant is charged by indictment.~~

☐

The defendant waived a preliminary hearing.

☐

The defendant elected to have a preliminary hearing in the district where the prosecution is pending.

☐

The defendant elected to have a preliminary hearing in this district, and based on the evidence presented during the hearing, the Court finds that:

☐

There is probable cause to believe that the defendant committed the offense(s) charged.

☐

There is NOT probable cause to believe that the defendant committed the offense(s) charged.

Rule 5(d)(3) Detention Hearing

☐

No detention hearing is necessary because the government did not move to detain the defendant.

☐

The defendant waived a detention hearing.

☒

The defendant elected to have a detention hearing in the district where the prosecution is pending.

☐

The defendant elected to have a detention hearing in this district, and based on the evidence presented during the hearing, the Court finds that:

☐

The defendant should be detained.

☐

The defendant should be released on bond.

ORDER ENTERED ON THE FOREGOING REPORT

TO: UNITED STATES MARSHAL

☒

You are commanded to transfer the above-named defendant forthwith to the district in which he/she is charged and there deliver him/her to the United States Marshal for that district or to some other officer authorized to receive him/her.

☐

It is ORDERED that this defendant be released from custody on bond pending further proceedings.

☐

It is ORDERED that this defendant be discharged.

DATE: June 19, 2020.

(Use Other Side for Return)


United States Magistrate Judge